

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF TIMOTHY A. RECKINGER from the decision of the Board of Equalization of Valley County for the tax year 2007.) APPEAL NO. 07-A-2722
) FINAL DECISION AND
) ORDER

VACANT LAND APPEAL

NOTICE OF APPEAL was filed September 4, 2007, by Appellant, from a decision of the Valley County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RPM04950001180A. As a matter of convenience, Appellant requested that this appeal be heard on the written record created by the parties, without the necessity of appearance at a hearing. This Board subsequently requested all information and evidence to be considered be submitted by both parties. The Board now issues its decision based upon the documentary record.

The issue on appeal is the market value of vacant land.

The decision of the Valley Board of Equalization is modified.

FINDINGS OF FACT

The total assessed land value is \$174,840. Appellant requests the land value be reduced to \$149,000.

The subject property is an unimproved 0.39 acre lot located in the Aspen Ridge Subdivision, overlooking aspen trees and a pond.

Appellant stated economic and housing data sources presented evidence of a continuing decline in the housing market during 2006. Sales comparable to subject sold within the first four months of 2006, then there was a decline in the market that went through January 1, 2007.

The Taxpayer asserted subject has negative characteristics that should be taken into consideration when determining the market value of the property. Subject property is located next to a main road entering into the Aspen Ridge Subdivision, exposing it to all incoming traffic. Additionally, subject is situated at the bottom of the Aspen Ridge Hill, which allows for only limited views in comparison to properties located further up the hill.

Taxpayer presented two sale properties to serve as comparables to subject. The first property, Lot 97, was the closest in proximity to subject and of similar size. This property was located further up the hill than subject and was therefore not as susceptible to incoming traffic. This property consisted of .368 acres and sold for \$159,000 in April, 2006. The second sale property was larger than subject and located in a more private location with several views. This property consisted of .658 acres and sold for \$155,000 in February, 2006.

The Assessor asserted lots located on the front row of the subdivision, as subject is, are more desirable lots.

Respondent discussed the sale properties submitted by Appellant. It was asserted the first comparable, Lot 97, had limited views and while Lot 133 had better views part of the property was steep. Also noted was a fifteen foot easement that crosses the property for which a -5% downward adjustment was applied.

The County presented one sale property that would be used to analyze 2008 values. The property was 0.43 acres and sold for \$130,000 in January of 2005 and re-sold for \$210,000 in July 2007. The Assessor stated the rise in sale price from January 2005 to July 2007 indicated the market was not declining

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following conclusions.

Idaho Code § 63-201(10) defines market value:

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant's presentation included a comparison of two sales in subject's subdivision. The sale most similar to subject was lot 97, consisting of .368 acres which sold for \$159,000 in April 2006. Respondent contended the property had limited views, but did not expand on the assertion.

Respondent did not present any 2006 sales. Instead, the County referenced a property that sold in January 2005 for \$130,000 and re-sold in July 2007 for \$210,000. It was conceded the 2007 re-sale occurred after the January 1, 2007 lien date so could not be used to support subject's 2007 assessed value. However, the increase in sale price indicated to Respondent the market in subject's area was not declining as alleged by Appellant.

Appellant provided the only sales data for the Board to consider in this matter. Respondent presented no value evidence or other support for subject's assessed value.

Based on the information in the record, we find it more probable than not that subject was over-valued. As such, the decision of the Valley County Board of Equalization is modified

to reflect a total value of \$159,000.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, modified to reflect a total assessed value of \$159,000.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED April 4, 2008